

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**AUGUST 25, 2015**

**CITY COMMISSION CHAMBERS @ 5:30 P.M.**

### **MINUTES**

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, August 25, 2015.

Pastor Marcy Miller from Samuel Lutheran Church opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

#### **ROLL CALL FOR THE REGULAR COMMISSION MEETING:**

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners Turnquist, Johnson, Hood, German, and Rinsema-Sybenga, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

#### **2015-59 CONSENT AGENDA:**

##### **A. Approval of Minutes** City Clerk

SUMMARY OF REQUEST: To approve minutes of the August 10, 2015 Commission Worksession meeting and the August 11, 2015 City Commission meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIREDE: None

STAFF RECOMMENDATION: Approval of the minutes.

##### **B. Youth Basketball League and Open Gym Proposal – Muskegon Public Schools** Planning and Economic Development

SUMMARY OF REQUEST: The City of Muskegon has contracted with the Muskegon Public Schools for the management of the Youth Basketball League and Open Gym since 2010. The program has been successful and the Schools would like to manage the program for the 2015-2016 school year. The commission is requested to approve the proposal and authorize staff to enter into an agreement with the Schools for over sight of the basketball program and the Open Gym program.

FINANCIAL IMPACT: The cost for the program is \$18,500 (which has not changed

since 2010).

BUDGET ACTION REQUIRED: Funds are available through the Leisure Services budget.

STAFF RECOMMENDATION: To approve the "Youth Basketball League and Open Gym Proposal" and authorize staff to enter into a formal agreement with the schools.

**C. Certification of MERS Representatives** Finance

SUMMARY OF REQUEST: The MERS plan document provides that "the governing body for each municipality shall certify the names of two (2) delegates to the Annual Meeting. One delegate shall be a member who is an officer of the municipality appointed by the governing body of the municipality. The other delegate shall be a member who is not an officer of the municipality, elected by the member officer/employees of the municipality."

The City's employee units previously agreed to a rotating system (based on date of joining MERS to select one official employee representative. This year the official employee representative attending the MERS conference will be Jan Labrenz (Customer Service Representative II) from the clerical employees' union group.

It is recommended that Derrick Smith (Finance Director) be designated as the City's employer delegate.

FINANCIAL IMPACT: Registration for the MERS conference in Grand Rapids is \$175 per person. Additionally, mileage, hotel and related costs will be incurred.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Certification of Derrick Smith and Jan Labrenz to be the City's officer and employee delegates at the MERS annual meeting in Grand Rapids October 8 – 9.

**D. Lakeshore Museum Loan Agreement (LaFrance Fire Truck)** Public Safety

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and authorize the Lakeshore Museum Center Loan Agreement relating to the 1923 American LaFrance Fire Truck with attached equipment. Currently, the LaFrance is on display at the Fire House Museum (Clay Avenue).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of this loan agreement.

**E. Special Liquor License – Michigan Irish Music Festival** Public Safety

SUMMARY OF REQUEST: To approve a Special Liquor License for the Michigan Irish Music Festival to serve spirits on September 17 & 18, 2015 from 5PM – 11PM; September 19, 2015 from 11AM – 11PM; and on September 20, 2015 from 12PM – 6PM at Heritage Landing for their Michigan Irish Music Festival event. They have already submitted a Special Event Application. Each serving of spirits must be in a pre-measured format or beverages packaged through authorized manufacturer; no “free pour” is allowed. Their event is a four-day music and cultural festival with food and merchandise vendors, Highland Games, dancing, music stages and spirits tents.

FINANCIAL IMPACT: Any and all City services required will be reimbursed by Michigan Irish Music Festival.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: The Director requests approval for Michigan Irish Music Festival to serve spirits at their authorized event.

**G. Sale of Boat Slip (A-08) at Harbour Towne** Department of Public Works

SUMMARY OF REQUEST: Authorize staff to negotiate and execute an agreement with Mr. and Mrs. Hall for the purchase of slip #A – 08 at Harbour Towne Marina.

FINANCIAL IMPACT: None at this time, the Hall's made an offer of \$35,000 to purchase the slip.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Authorize staff to negotiate and execute a purchase agreement with the Halls should staff feel the terms are favorable.

**H. Public Safety Director Employment Agreement** City Manager

**REMOVED PER STAFF REQUEST**

**I. City Manager Employment Agreement** City Manager

SUMMARY OF REQUEST: Approval of the Second Amendment to the Employment Agreement with City Manager Frank Peterson.

FINANCIAL IMPACT:

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Agreement with Frank Peterson and authorize the City Clerk and Mayor to sign.

**Motion by Commissioner German, second by Commissioner Rinsema-Sybenga to accept the Consent Agenda as read with the exception of item F.**

**ROLL VOTE: Ayes: Johnson, Gawron, Hood, Spataro, German, Rinsema-Sybenga, and Turnquist.**

**Nays: None**

## **MOTION PASSES**

### **2015-60 ITEMS REMOVED FROM CONSENT AGENDA**

#### **F. MSI Property – “Agreement of Purchase and Sale” (PA)** Planning and Economic Development

SUMMARY OF REQUEST: One of the properties desired for the new market-rate housing initiative is the MSI owned property across from the Nelson Neighborhood Park. The property contains nine lots that can be developed for market-rate housing. The agreed upon purchase price is \$45,000.

FINANCIAL IMPACT: The City will pay the purchase price of \$45,000, as well as the Survey, City attorney fees, on-half of any escrow costs, the cost of recording the Warranty Deed and any other cost of closing not required by the Seller in the Purchase Agreement. These funds were budgeted as part of the Market-Rate Housing Initiative Program.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the “Agreement of Purchase and Sale” and authorize the Mayor’s signature, as well as authorize staff to proceed with the environmental site assessment and closing on the property, signing the necessary documents.

**Motion by Vice Mayor Spataro, second by Rinsema-Sybenga approve the “Agreement of Purchase and Sale” and authorize the Mayor’s signature, as well as authorize staff to proceed with the environmental site assessment and closing on the property, signing the necessary documents.**

**ROLL VOTE: Ayes: Gawron, Hood, Spataro, German, Rinsema-Sybenga, Turnquist, and Johnson.**

**Nays: None**

## **MOTION PASSES**

### **2015-61 UNFINISHED BUSINESS:**

#### **A. Section – 10-351 (F) (3) Registration of Rental Dwellings Ordinance Amendment** Public Safety

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and authorize the proposed amendment to Chapter 10 Buildings, Article VI, Division 2, subdivision III “Rental Property”, of the City of Muskegon.

This ordinance amendment focuses on sub-section (F) (3) which would allow an “**Alternative Escrow Option**”; in lieu of dwelling fire insurance. The sub-section and associated bullet points (1-7) explain the escrow option for landlords who

cannot obtain insurance or opt not to acquire dwelling insurance to repair or demolish a property after a catastrophic fire event.

FINANCIAL IMPACT: Relieve the City of Muskegon from bearing the expense to demolish uninsured rental properties that are damaged during a working fire.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approving this ordinance amendment as written.

**Motion by Vice Mayor Spataro, second by Commissioner German to approve the ordinance amendment as written**

**ROLL VOTE: Ayes: Hood, Spataro, German, Rinsema-Sybenga, Turnquist, Johnson, and Gawron.**

**Nays: None**

**MOTION PASSES**

□ **NEW BUSINESS:**

**A. Request for \$9,000 from United Way for Day of Caring 2015** Department of Public Works

SUMMARY OF REQUEST: Authorize staff to grant United Way's request for \$9,000 to purchase and plant landscaping along Seaway Drive as part of their 2015 Day of Caring.

Earlier this year, the City received over \$9,000 from MDOT for a tree cutting violation along Seaway in the City of Norton Shores and they passed that money to us to do exactly what is being proposed by United Way.

FINANCIAL IMPACT: Grant United Way's request for \$9,000 from the major street fund where the MDOT's money was deposited.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Authorize staff to grant the request by United Way.

**Motion by Commissioner Hood, second by Commissioner Johnson to authorize staff to grant the request by United Way.**

**ROLL VOTE: Ayes: Spataro, German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Hood.**

**Nays: None**

**MOTION PASSES**

**B. Change Order to add Fourth Street reconstruction to Muskegon/Webster contract** Engineering

SUMMARY OF REQUEST: Authorize staff to negotiate and execute a change

order with Jackson Merkey contractors adding the reconstruction of Fourth Street between Houston & Muskegon to the Muskegon/Webster contract.

FINANCIAL IMPACT: Estimated cost for construction is \$67,000

BUDGET ACTION REQUIRED: None, this project is in the current CIP budget.

STAFF RECOMMENDATION: Authorize staff to negotiate and execute a change order with Jackson-Merkey contractors to add Fourth Street.

**Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga to approve authorize staff to negotiate and execute a change order with Jackson-Merkey contractors to add Fourth Street.**

**ROLL VOTE: Ayes: German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, and Spataro.**

**Nays: None**

**MOTION PASSES**

**PUBLIC PARTICIPATION:** Public comments were received.

**ADJOURNMENT:** The City Commission Meeting adjourned at 6:19 p.m.

Respectfully submitted,

Ann Marie Meisch, MMC  
City Clerk